REMARKS

Claims 1-3, 5, 6, 10-12, 14, 15, 19-21, 23 and 24 have been amended. Claims 1-27 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Objection to the Specification:

The Examiner objected to the Abstract because it contained multiple paragraphs, exceeded the maximum allowed number of words and included unnecessary phrases. The Abstract has been amended to overcome the Examiner's objections.

Section 102(e) Rejection:

The Office Action rejected claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Naveh et al. (U.S. Patent 6,466,984) (hereinafter "Naveh"). Applicant respectfully traverses this rejection in light of the following remarks.

Regarding claim 1, Naveh does not anticipate <u>a server system receiving a request</u>, and <u>in response to receiving the request</u> <u>accessing pre-determined policy data</u>. Instead, Naveh teaches that applications *proactively* provide parameters related to quality of service for a traffic flow before sending the traffic flow to a network device, such as a router. Specifically, Naveh teaches that an when an Application CodePoint (ACP) is reached in an executing application, that application looks up a mapping between the ACP and other quality of service parameters, such as DSCP values (Naveh, column 11, lines 26-33). In other words, according to Naveh's system, an application looks up data used to establish a quality of service value that will subsequently be used by network devices to enforce quality of service policies to that application's traffic flow. Naveh teaches that an application provides its quality of service information to a network device, such as a router, proactively at the start of a network traffic flow (Naveh, column 11, lines 26-33). Naveh does not describe his application or router as a server system that

access pre-determined policy *in response to receiving a request.* Naveh is concerned with enforcing quality of service treatment of network traffic flows in routers and other network devices, but Naveh is not concerned with establishing and propagating quality of service contexts in response to receiving requests in a server system.

Additionally, Naveh does not anticipate a <u>server system</u> establishing a quality of service context <u>based on the request</u> and on pre-determined policy data. Instead, Naveh teaches that after an application determines, either through its Local Mapping or through the Repository, quality of service policy information for a particular Application CodePoint, the application provides this information to a network device, such as a router, at the start of the traffic flow generated by the Application CodePoint (Naveh, column 11, lines 48-51). Naveh teaches that an application accesses predetermined quality of service information based a reaching a particular Application CodePoint during execution. Nowhere does Naveh teach that a server system establishes a quality of service context *based on a request received at a server system.* An application proactively determining quality of service information based on particular Application CodePoints is clearly very different from a server system establishing a quality of service context based on a request received at the server system.

Furthermore, Naveh does not teach propagating the quality of service context with the request <u>in the server system</u>. Instead, Naveh, teaches that the application provides the quality of service information to a network device, such as a router. Naveh does not mention propagating a quality of service context *in a server system.* As illustrated by Naveh in FIG. 6A, application 608 uses local mappings 610 to provide quality of service information to network device 260. The only server in Naveh system is a policy server used to fill the repository of quality of service policy information. However, quality of service contexts are not propagated in Naveh's policy server.

Anticipation requires the presence in a single prior art reference disclosure of <u>each</u> <u>and every element</u> of the claimed invention, <u>arranged as in the claim</u>. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.,* 221 USPQ 481, 485 (Fed. Cir.

1984). The <u>identical</u> invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Naveh clearly does not teach the identical invention as arranged in Applicants' claims.

For at least the reasons given above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to independent claims 10 and 19.

Regarding claim 2, contrary to the Examiner's assertion, Naveh fails to teach wherein <u>the request includes</u> information indicating at least one or <u>user identity, current user role, requested service, or time constraint</u>. The Examiner cites three portions of Naveh. The first, column 9, lines 26-28, describe a schema stored in a repository that may include user identification. However, the cited passage relates to schema stored in a repository and has absolutely nothing to do with a request received at a server system. The Examiner's second cited passage, column 13, lines 36-39, refers to a webmaster who "prepares a configuration file that maps URLs and users into pre-defined application classes." A configuration file is clearly not a request and the cited passage does not mention any request received at a server system. Similarly, the Examiner's third cited passage, column 14, lines 61-63 and 66-67, describes the information model for Naveh's Repository that stores policy statements. Specifically this cited passage refers to policy identifiers that may be URLs, source or destination IP addresses, port numbers, protocol, or application identifier.

Thus, none of the Examiner's cites passages mention anything regarding a request received at a server system that includes information indicating user identity, current user role, requested service, or time constraint. Therefore, for at least the reasons given above, the rejection of claim 2 is unsupported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 2 also apply to claims 11 and 20.

Regarding claim 5, Naveh fails to teach establishing a quality of service context at an ingress point, wherein the ingress point is at least one of <u>a web server or a protocol manager service within the server system</u>. In contrast, as described above regarding claim 1, Naveh teaches that applications proactively determine quality of service policy information and that the same application provides this information to a network device, such as a router, for quality of service enforcement. The Examiner's cited passage (column 11, lines 29-31 and 45-47) only refers to applications using their Local Mapping or the Repository to load quality of service policy information. The cited passage does not mention anything regarding a web server or a protocol manager service within a server system. Naveh's system relies on an application determining quality of service policy information upon executing specific CodePoints, and clearly does not anticipate establishing a quality of service context at a web server or protocol manager service within a server system. Thus, the rejection of claim 5 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 5 also apply to claims 14 and 23.

Applicants also assert that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.
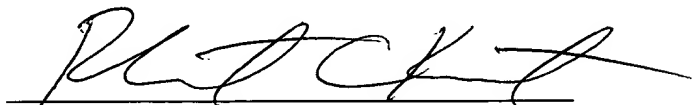
CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90800/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Fee Authorization Form authorizing a deposit account debit in the amount of $

for fees ( ).

☐ Other:

Respectfully submitted,

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